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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,470	11/28/2003	Jean-Francois Beland	86421-22	7982

7590 11/30/2005

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CANADA

EXAMINER

PATEL, TAJASH D

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/722,470

Applicant(s)

BELAND

Examiner

Tejash D. Patel

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/7/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the inner padding being covered by layers of woven synthetic yarn must be shown or the feature canceled from the claim
15. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 8 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Cho (US 4,497,070). Cho discloses a leg pad including a strap (37) and a shin guard (11) that is partially wrapped around the leg with the strap having a first section affixed to the shin guard that has a rear surface facing the guard with a front affixing portion (41) , col. 3, lines 7-9 and as shown in figure 1. Also, a second section of the strap includes a rear surface that extends from the first section as shown in figure 1. Further, a third section of the strap has a rear surface having a rear affixing portion (45) which extends from the second section such that rear surface of the second section faces a back of the leg as shown in figure 2. Additionally, the third section partially overlaps the first section by having the rear affixing portion of the third section releasably engage with the front affixing portion of the first section by defining a tab of hook and loop material for securing the shin guard to the leg, col. 2, line 62 – col. 3, line 67 and as shown in figures 1-4. In addition, a portion of the second section includes elastic, col. 3, lines 38-40.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Jacobs (US 5,405,312). Cho discloses the invention as set forth above except for showing the leg pad having an aperture for receiving the strap therethrough.

Jacobs discloses a shin guard having each of left and right sides thereof having an aperture (56) with an adjustable strap (62) that has hook and loop material extending therethrough and over an edge of the guard by being wrapped around the leg as shown in figures 1 and 7.

It would have been obvious to one skilled in the art at the time the invention was made to form the shin guard of Cho with the adjustable strap passing through apertures as taught by Jacobs as an alternative but equivalent means of securing the guard about the leg as known in the art or depending on the particular application thereof.

6. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Tollini (US 6,226,796). Cho discloses the invention as set forth above except for showing the leg pad having a knee guard.

Tollini discloses a leg pad including a strap (172, 221) with a shin guard (246) and a knee guard (152) that is partially wrapped around the leg with the strap having a first section affixed to the shin guard that has a rear surface facing the guard with a front affixing portion (245) as shown in figures 21 and 48. Further, the shin guard includes a groove for receiving the strap as shown in figure 21. Also, the shin guard and knee guard are made of rigid plastic material, col. 8, lines 45-51.

It would have been obvious to one skilled in the art at the time the invention was made to provide the leg pad of Cho with a rigid plastic knee guard as taught by Tollini so that the knee is protected when the device is worn. Furthermore, it would have been obvious that the shin guard of Cho with the adjustable strap passes through grooves as taught by Tollini as an alternative but equivalent means of securing the guard about the leg as known in the art or depending on the particular application thereof.

7. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Tollini as applied to claim 12 above, and further in view of Collins et al. (US 5,829,055).

Cho discloses the invention as set forth above except for showing the shin guard having a padding liner and an inner padding.

Collins et al. (hereinafter Collins) discloses a leg pad having a shin guard and a knee guard being fastened about the leg by an elastic strap (10), col. 4, lines 20-24 and as shown in figure 4. Further, the shin guard had a padding liner (15) and an inner padding (16,17), col. 4, lines 7-16 and as shown in figure 7.

It would have been obvious to one skilled in the art at the time the invention was made to provide the shin guard of Cho when viewed with Tollini with a padding liner and an inner padding as taught by Collins. Doing so, would provide additional protection to the leg from external force of impact or depending on the particular end use thereof.

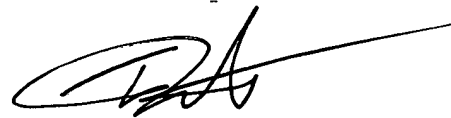
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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The fax phone number for this group is (571) 273-8300.

November 23, 2005

A handwritten signature in black ink, appearing to read 'Tejash Patel', with a long horizontal stroke extending to the right.

**TEJASH PATEL  
PRIMARY EXAMINER**